

Message Text

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ACTION L-03

INFO OCT-01 EUR-25 NEA-10 ISO-00 IO-13 AF-10 ARA-16 EA-11

RSC-01 CIAE-00 DODE-00 NSAE-00 NSCE-00 SSO-00 USIE-00

INRE-00 DOTE-00 CAB-09 COME-00 EB-11 INR-10 FAA-00

PA-03 PRS-01 SPC-03 OIC-04 SS-15 NSC-10 DRC-01 /157 W

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O R 190727Z SEP 73

FM AMEMBASSY ROME

TO SECSTATE WASHDC IMMEDIATE 0835

INFO AMEMBASSY BEIRUT

AMEMBASSY TEL AVIV

AMEMBASSY PARIS

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMCONSUL MONTREAL

USUN NEW YORK 1724

UNCLAS SECTION 1 OF 2 ROME 9825

E.O. 11652: N/A

TAGS: ICAO, ETRN

SUBJ: ICAO AIR SECURITY CONFERENCE: EIGHTEENTH REPORT OF

USDEL - SEP 18

MONTREAL FOR US REP ICAO

PLS PASS TO: LITTELL/CAB; DRISCOLL/DOT; STEWART/FAA

1. CONFERENCE COMMISSION OF WHOLE HAD FOR CONSIDERATION
REPORT OF ITS DRAFTING COMMITTEE ON SOVIET PROPOSAL
FOR SUPPLEMENTARY PROTOCOLS TO HAGUE AND MONTREAL CONVENTIONS.
MEXICAN DELEGATE AS CHAIRMAN EXPLAINED THAT DRAFTING
COMMITTEE SPLIT REGARDING TEXT OF NEW ART 8, PARA 2(C) CONCERNING
REQUIREMENT THAT EXTRADITION BE IN ACCORDANCE NATIONAL LAW;
THAT TWO BRACKETED PARAS ARE SOVIET TEXT SINCE COMMITTEE DID
NOT HAVE TIME TO CONSIDER THEM IN DETAIL AND THAT SECRETARIAT
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INSTRUCTED PREPARE TEXT OF PROTOCOL TO MONTREAL ON BASIS

COMMITTEE'S PROTOCOL TO HAGUE. COMMISSION PRESIDENT SCIOLLA-LAGRANGE LIMITED STATEMENTS TO TWO MINUTES.

2. WHEN COMMISSION BEGAN CONSIDERATION OF PROTOCOL TO HAGE, JAMAICA SUPPORTED BY BARBADOS, PREPOSED QTE THE STATE OF REGISTRATION OF THE AIRCRAFT UNQTE BE DELETED FROM NEW ART 8, PARA 2(A). FRANCE AND IRELAND CONCURRED ON BASIS IT IN ACCORD WITH COMMISSION'S PRIOR DECISION IN PRINCIPLE. USSR, UKRAINE AND NETHERLANDS CONSIDERED DELETION APPROPRIATE FOR MONTREAL BUT NOT HAGUE. JAMAICA SAID IT WOULD WITHDRAW PROPOSAL. US SUPPORTED RETENTION OF WORDS IN QUESTION. NO PROBLEM RE SUBPARA (B). UNITED ARAB EMIRATES SAID IT HAD DIFFICULTY WITH BOTH OF COMMITTEE'S OPTIONS FOR SUBPARA (C) SINCE NATIONAL LAWS OF STATES VERY DIFFERENT. AUSTRIA WANTED ADD NEW LANGUAGE TO BOTH OPTIONS, QTE THE DECISION ENVISAGED IN SUBPARAGRAPH (A) UNQTE, BUT USSR SUGGESTED AUSTRIA WITHDRAW THIS PROPOSAL. TURKEY AND NIGERIA ALSO SUGGESTED DRAFTING CHANGES. IRELAND SAID SECOND OPTION MORE ACCURATELY REFLECTED DECISION OF COMMISSION AND US CONCURRED. FRANCE PREFERRED FIRST OPTION. MAURITIUS PROPOSED REWORDING WHICH NOT SECONDED. CANADA PROPOSED DELETION OF (C) AND ADDITION TO BEGINNING OF (A) SO AS TO READ QTE EACH CONTRACTING STATE UNDERTAKES, SUBJECT TO PROVISIONS OF ITS LAW AND PRACTICE BOTH AS TO SUBSTANCE AND PROCEDURE. UNQTE FRANCE SAID IF THIS PROPOSAL ACCEPTED IT WOULD HAVE TO VOTE AGAINST PROTOCOL, BUT AUSTRIA SECONDED IT AND WITHDRAW ITS OWN PROPOSAL. COMMISSION VOTED 16-15(US)-38 TO DELETE QTE BOTH AS TO SUBSTANCE AND PROCEDURE UNQTE FROM CANADIAN PROPOSAL.

3. WHEN COMMISSION RECONVENED AT 6 PM, CANADA WITHDREW ITS PROPOSAL. INDICATIVE VOTE RESULTED IN 24 IN FAVOR OF FIRST OPTION FOR SUBPARA (C) AND 26 (US) IN FAVOR OF SECOND OPTION. PROCEDURAL DEBATE FOLLOWED AS TO WHETHER VOTE DECISIVE. SECRETARY GENERAL, SUPPORTED BY LEBANON, SUGGESTED FORMAL VOTE BE HELD ON BOTH OPTIONS. AFTER SCIOLLA-LAGRANGE SUCCEEDED IN PERSUADING UGANDA TO WITHDRAW ITS MOTION FOR ADJOURNMENT OF MEETING, USSR SUGGESTED AND COLOMBIA PROPOSED THAT SECOND OPTION BE PUT TO FORMAL VOTE. RESULT WAS 25(US)-19-32.

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4. WHEN EXECUTIVE COMMITTEE OF ASSEMBLY CONVENED AT 2:30 PM, PRESIDENT DIALLO SAID VOTE WOULD BE HELD AT 4 PM SO CONFERENCE COULD RECONVENE (WHICH IN FACT DID NOT OCCUR UNTIL 6.PM). US REITERATED ITS REQUEST AT PREVIOUS MEETING FHMMITTEE FOR SEPARATE VOTE UNDER RULE 49 ON FIRST CLAUSE OF PROPOSED ARTC 79 QUINQIES AND SECTIES TO CHICAGO CONVENTION TO ELIMINATE TWO-TIER RATIFICATION REQUIREMENT FOR INCORPORATION OF HAGUE AND MONTREAL CONVENTIONS. FRANCE OBJECTED

ON GROUNDSTHAT SUCH DIVISION NOT POSSIBLE AND SHOULD BE
REQUEST FOR AMENDMENT. US DISAGREED. DIALLO SAID HE
INCLINED AGREE WITH FRANCE BUT DI NOT WANT TO MAKE RULING.
TO SAVE TIME AUSTRALIA REQUESTED IMMEDIATE VOTE ON
HWSN# OF US POSITION, WHICH WAS 12(US)-47.

BARBADOS SAID ANY SUBSTANTIVE CHANGE IN WORKING GROUP'S
RESOLUTION SHOULD REQUIRE REOPENING OF DEBATE. SRI LANKA
PROPOSED ROLL-CALL VOTE, WHICH WAS 64-2(US)-26 ON BOTH ARTS
79 QUINQUIES AND SECTIES.
(MORE COMING).VOLPE

NOTE BY OC/T: (#)AS RECEIVED. CORRECTION TO FOLLOW.

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INFO OCT-01 ISO-00 AF-10 ARA-16 EA-11 EUR-25 NEA-10 RSC-01

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----- 001945

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5. SENEGAL HAD CIRCULATED NEW ART, WHICH AFTER AMENDMENT BY BARBADOS AND LATER REDRAFTING BY SECRETARIAT READS AS FOLLOWS: QTE THE PROVISIONS AOF ARTS 79 BIS AND 79 TER RELATING TO THE UNLAWFUL SEIZURE OF AIRCRAFT SHALL CEASE TO BE IN FORCE WHEN 86 CONTRACTING STATES TO THIS CONVENTION HAVE RATIFIED THE CONVENTION SIGNED AT THE HAGUE ON 16 DECEMBER 1970. THE PROVISION OF ARTS 79 BIS AND TER RELATING TO UNLAWFUL ACTS DIRECTED AGAINST UNCLASSIFIED

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THE SAFETY OF CIVIL AVIATION SHALL CEASE TO BE IN FORCE WHEN 86 CONTRACTING STATES TO THIS CONVENTION HAVE RATIFIED THE CONVENTION SIGNED AT MONTREAL ON 23 SEPT. 1971. UNQTE SYRIA PROPOSED SENEGALESE PAPER NOT BE VOTED ON UNTIL AFTER ART 79 QUATER. UK, CANADA, AND JAPAN SUPPORTED SENEGALESE PAPER IN SUBSTANCE, WHICH LATER ADOPTED IN FORM QUOTED ABOVE BY 52-0-21(US).

6. ISRAEL SAID TEXT OF ART 79 QUATER UNACCEPTABLE SINCE ASSEMBLY HAD NO RIGHT TO MAKE SELECTION AMONG ACTS OF STATES AND TO EXCLUDE INSTIGATION, AUTHORIZATION, ENCOURAGEMENT AND TOLERANCE OF ACTS OF UNLAWFUL INTERFERENCE. IT REFERRED TO DECLARATION OF UNGA IN RESOLUTION OF NOV. 25, 1970 WHICH IT VIEWED OF HIGHEST INTERNATIONAL AUTHORITY. ISRAEL CONTENDED FRANCE, UK, AND SWITZERLAND, THE PROPOSERS, SHOULD REFUSE TO VOTE ON SUCH AN ARBITRARY AND INCOMPLETE TEXT BUT ISRAEL DID NOT FORMALLY PROPOSE ANY AMENDMENT.

7. EGYPT THEN PROPOSED THE FOLLOWING REVISED TEXT OF ART 79 QUATER: QTE EACH CONTRACTING STATE UNDERTAKES TO REFRAIN FROM THE USE OF FORCE OR THREAT THEREOF AGAINST CIVIL AIRCRAFT, AIRPORTS OR AIR NAVIGATION FACILITIES AND SERVICES OF ANOTHER STATE SUBJECT TO THE PROVISIONS OF THE CHARTER OF THE UNITED NATIONS AND OF THIS CONVENTION. THIS ARTICLE SHALL NOT IN ANY EVENT BE CONSTRUED AS LEGALIZING UNDER ANY CIRCUMSTANCES THE USE OR THE THREAT OF THE USE OF FORCE IN VIOLATION OF THE RULES OF INTERNATIONAL LAW. UNQTE IN ANSWER TO UK QUESTION, EGYPT SAID FOREGOING IMPROVEMENT IN DRAFTING AND NO CHANGE IN SUBSTANCE OF ART 79 QUATER. ZAIRE SUGGESTED ALTERNATIVE WORDING WHICH EGYPT WOULD NOT ACCEPT. LEBANON PROPOSED ROLL-CALL VOTE AND EGYPTIAN AMENDMENT APPROVED 52-0-39(US).

8. US EXPLAINED THAT ITS NEGATIVE VOTE ON ARTS 79 QUINQUIES AND SEXTIES BASED ON FIRM CONVICTION OF GOVERNMENT THAT DOUBLE RATIFICATION REQUIREMENT WOULD IMPEDE PACE OF RATIFICATION OF HAGUE AND MONTREAL. MANY STATES MIGHT PREFER RATIFY PROPOSED

AMENDMENT AND AWAIT RATIFICATION OF HAGUE AND MONTREAL BY 86
OTHER STATES. ALSO PROVISIONS OF HAGUE WOULD PROBABLY BE
INCORPORATED WELL BEFORE PROVISIONS OF MONTREAL THUS REDUCING
SIGNIFICANTLY LATTER'S INTERNATIONAL STATURE. SINCE PROPOSED
AMENDMENT ON STATE ACTION MIGHT ENTER INTO FORCE BEFORE INCORPO-
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RATION OF MONTREAL, APPLICATION OF OVERALL AMENDMENT TO STATE
CONDUCT WOULD BE UNBALANCED. US NOT OPPOSED IN PRINCIPLE TO
INCORPORATION OF HAGUE AND MONTREAL BUT GRAVELY CONCERNED
ABOUT DOUBLE RATIFICATION REQUIREMENT COMPELLED CASTING OF
NEGATIVE VOTES.VOLPE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENT DRAFT, AIRCRAFT HIJACKING, COMMITTEE MEETINGS, AMENDMENTS, ANTIHIJACKING PROCEDURES
Control Number: n/a
Copy: SINGLE
Draft Date: 19 SEP 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973ROME09825
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: ROME
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730924/aaaaarme.tel
Line Count: 239
Locator: TEXT ON-LINE
Office: ACTION L
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators:
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: collinp0
Review Comment: n/a
Review Content Flags:
Review Date: 17 AUG 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <17-Aug-2001 by reddocgw>; APPROVED <12 FEB 2002 by collinp0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ICAO AIR SECURITY CONFERENCE: EIGHTEENTH REPORT OF USDEL - SEP 18
TAGS: ETRN, ICAO
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005